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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

7 RICHARD ROY SCOTT,

8 Plaintiff,

9 v.

10 KELLY CUNNINGHAM,

11 Defendant.

No. C11-5509 BHS/KLS

**ORDER DENYING MOTION TO FILE
DOCUMENT UNDER SEAL**

12 Before the Court is Defendant's Amended Motion to File Documents Under Seal. ECF
13 Nos. 187 and 188. Plaintiff objects to sealing the document and asks that Defendant be
14 sanctioned for attempting to mislead the Court. ECF No. 201.

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16 After Plaintiff's computer and certain computer media were confiscated by the Special
17 Commitment Center (SCC) during a search, the SCC drafted several reports detailing the items
18 confiscated. ECF No. 187. Defendant provided this description with their response to a motion
19 filed by the Plaintiff in which he demands the return of his computer and certain computer
20 media. They have filed the document under seal at ECF No. 205. Plaintiff contends that the
21 postings and images are not sexual, that the media has copies, that his mother and sisters have
22 copies, that the Court may access the images on the internet, and that he has had access to the
23 images in his room at the SCC. ECF No. 201, p. 9.

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25 Local Rule CR5(g) governs the request to file documents under seal. There is a strong
26 presumption of public access to the Court's files. The reason given in support of the Defendant's

1 motion to seal is that the graphic nature of the narrative and images in the report would be
2 patently offensive to the public. However, there are a number of pages contained in ECF No.
3 205 which are not graphic in nature and no reason has been given to support filing those pages
4 under seal. The motion is therefore denied.

5 If the Defendant wishes to have a limited portion of the exhibit sealed, he may withdraw
6 ECF No. 205 and file an amended motion to seal. This shall be done in accordance with Local
7 Rule CR5(g)(5). If this is not done within three (30) days of this Court's Order, ECF No. 205
8 will be unsealed in its entirety.
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10 Accordingly, it is **ORDERED**:

11 (1) Defendant's Amended Motion to File Documents Under Seal (ECF Nos. 187 and
12 188) is **DENIED**.

13 (2) The Clerk shall send a copy of this Order to Plaintiff and counsel for Defendant.
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16 **DATED** this 12th day of April, 2012.

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18 Karen L. Strombom
19 United States Magistrate Judge
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